

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Niladri Sarkar, et al. § Attorney Docket No. 34003.90
§ Customer No. 27683
Serial No.: § Group Art Unit:
Filed: § Examiner:
For: ELECTRO-THERMAL SCRATCH DRIVE
ACTUATOR §

POWER OF ATTORNEY FOR PATENT APPLICATION

As a representative of the Assignee, Zyxex Corporation, a Texas corporation, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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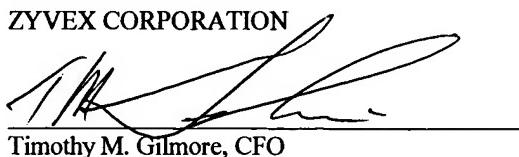
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The undersigned is the representative for the Assignee of the entire right, title, and interest in the patent application identified above. A copy of the assignment or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the Assignee.

Date

10/1/03

ZYVEX CORPORATION


Timothy M. Gilmore, CFO

INVENTOR'S DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and sole joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

ELECTRO-THERMAL SCRATCH DRIVE ACTUATOR

the specification of which: (check one)

X is attached hereto.

_____ was filed on _____
under Attorney's Docket Number _____
as Application Serial No. _____
and was amended on _____ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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